BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

PHOKHAM THANASITH)
Claimant VS.))) Docket No. 193,472
COLEMAN COMPANY Respondent) DOCKET NO. 193,472
AND	
CONTINENTAL CASUALTY COMPANY Insurance Carrier	

<u>ORDER</u>

Claimant appeals from a Preliminary Order entered by Administrative Law Judge Nelsonna Potts Barnes dated December 30, 1994.

ISSUES

Claimant appeals from the finding by the Administrative Law Judge that claimant did not make a timely written claim as required by K.S.A. 44-520a.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments of the parties, the Appeals Board finds, for preliminary hearing purposes, claimant has not established that he made a timely written claim and the Order by the Administrative Law Judge should, therefore, be affirmed.

From the record, it appears that if claimant suffered an injury in the course of employment, it most likely occurred on December 23, 1993. The record does not establish that he gave notice within ten (10) days and the written claim was filed more than two hundred (200) days from the date of accident. Accordingly, the Appeals Board finds that claimant's claim is barred and the decision of the Administrative Law Judge should be affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Nelsonna Potts Barnes dated December 30, 1994, should be, and the same is hereby, affirmed.

this day of M	arch, 1995.	
	BOARD MEMBER	
	BOARD MEMBER	
	ROARD MEMBER	
	this day of M	this day of March, 1995. BOARD MEMBER BOARD MEMBER BOARD MEMBER

c: Phokham Thanasith, Wichita, KS Clifford Stubbs, Lenexa, KS Nelsonna Potts Barnes, Administrative Law Judge George Gomez, Director